

-7-

File No. 16051-10US

RECEIVED  
CENTRAL FAX CENTER

MAY 02 2007

REMARKS

Claims 1-36 are pending in the application. Claim 1 has now been amended and original claims 2-4 and 10-17 are under examination. Claims 6-9 have been cancelled. Claims 5 and 18-36 are currently withdrawn.

Claim rejections - 35 U.S.C. § 132(a), 112, 102(a & e) and 103(a)

The amendment submitted October 26, 2006 has been rejected under 35 U.S.C. § 132(a) because it introduced new matter into the disclosure. Rejection of claims 1-4, 6-7 and 10-17 under 35 U.S.C. § 112, first paragraph, is maintained. The Examiner mentions that the added material, which is not supported by the original disclosure, needs to be cancelled. More specifically, the added material is as follows: "the oligonucleotide binds to one or more viral proteins, wherein said viral protein is different from a retroviral nucleocapsid protein, meaning that the viral component is not a retroviral nucleocapsid protein". Upon cancellation of the new matter of amended claim 1, rejection of claims 1-4, 6-7 and 10-17 under 35 U.S.C. § 102(a & e) as being anticipated, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Rein *et al.* (US Patent No 6,316,190), will be reinstated.

In order to overcome this rejection, Applicants wish to respectfully point out that paragraph [0068] on page 16 and claim 1 have been amended to delete the expression "is different from a retroviral nucleocapsid protein". In addition, claim 1 has been further amended to specify that the viral component is of a virus of the family selected from the group consisting of herpesviridae, poxviridae, hepadnaviridae, arenaviridae, bunyaviridae, coronaviridae, filoviridae, flaviridae, orthomyxoviridae, paramyxoviridae, rhabdoviridae and togaviridae. Support for this amendment can be found throughout the application and, more particularly, in paragraph [0083] and Examples 1-3 and 5-8, of the present description. Contrary to the teaching found in the present application and as already acknowledged by the Examiner, Rein *et al.* only teaches assays where target molecules are assessed for their ability to inhibit binding of retroviral nucleocapsid proteins to selected nucleic acids (oligonucleotides). A person skilled in the art would acknowledge that retroviral nucleocapsid proteins are only found in retroviruses. Retroviruses are enveloped viruses possessing an RNA genome. Thus, a person skilled in the art would also acknowledge that results demonstrating the efficacy of a molecule to inhibit the binding of the

-8-

File No. 16051-10US

retroviral nucleocapsid can only be used to predict the ability of the molecule to inhibit infection of retroviruses and not of other viruses. For example, contrary to DNA viruses, retroviruses replicate using a reverse transcription. Accordingly, results demonstrating the efficacy of a molecule to inhibit the binding of the retroviral nucleocapsid can only be used to predict the ability of the molecule to inhibit infection of retroviruses and not of other viruses like DNA viruses. In the assays disclosed in Rein *et al.*, retroviral nucleocapsid proteins, oligonucleotides comprising a substance which binds to a retroviral nucleocapsid protein with high affinity, and a target molecule are mixed, and the inhibitory effect on nucleocapsid-oligonucleotide binding is measured. Nowhere is it taught or even suggested in Rein *et al.* that oligonucleotides have an antiviral activity against other viruses, such as viruses of the family now claimed in amended claim 1. Thus, since Rein *et al.* only discloses oligonucleotides which bind to retroviral nucleocapsid proteins, it is believed that the present application is new and inventive in view of the teaching of Rein *et al.* In view of the arguments and amendments submitted hereinabove, reconsideration of the Examiner's rejections is respectfully requested.

It is submitted, therefore, that the claims are in condition for allowance.

No additional fees are believed to be necessitated by this amendment. Should this be in error, authorization is hereby given to charge Deposit Account No. 19-5113 for any underpayment or to credit any overpayment.

In the event that there are any questions concerning this Response or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully,

Date: May 2, 2007

By:



Christian Cawthorn, Reg. No. 47,352  
Agent for Applicants

OGILVY RENAULT  
1981 McGill College, Suite 1600  
Montreal, Quebec H3A 2Y3  
CANADA (514) 847-4256